

MAYOR AND COUNCIL

CHAPTER 2 MAYOR AND COUNCIL

ARTICLE 2-1 COUNCIL

- 2-1-1 Elected Officers
- 2-1-2 Corporate Powers
- 2-1-3 Duties of Office
- 2-1-4 Vacancies in Council
- 2-1-5 Compensation
- 2-1-6 Oath of Office
- 2-1-7 Bond
- 2-1-8 Financial Disclosure Statement
- 2-1-9 Limitation on Corporate Powers

Section 2-1-1 Elected Officers **(Revised 03-09-04 by vote of public. See O02-11)**

- A. The elected officers of the City shall be a Mayor and six Council members. The Mayor and Council members shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors.
- B. Commencing with the primary or general election of March 2006, the regular term of office for the Mayor shall be two years or until their successors are elected and qualified.
- C. The regular term of office for Council members shall be four years or until their successors are elected and qualified.
- D. A candidate shall not run for more than one office at the same election.
- E. Council members who desire to run for Mayor must resign their position on the Council as of the day they submit their nomination papers, unless they are in the last year of their term. **(Revised 03-09-04 by vote of public. See O02-11)**

Section 2-1-2 Corporate Powers

The corporate powers of the city shall be vested in the council and shall be exercised only as directed or authorized by law. All powers of the council shall be exercised by code, ordinance, resolution, order or motion. The ability of the city to be legally bound shall be limited by the provisions of Section 2-1-9 of this code. **(Amended by Ordinance 96-12)**

Section 2-1-3 Duties of Office

Members of the council shall assume the duties of office within twenty days following the canvass of the general election at which, or effective as of the date of which, the

MAYOR AND COUNCIL

council members were elected. Such powers and duties are enumerated in A.R.S. § 9-240 et seq. as may be amended.

Section 2-1-4 Vacancies in Council

The council shall fill by appointment for the unexpired term of a council member any vacancy that may occur for whatever reason. Rev. 12/98

Section 2-1-5 Compensation

The mayor shall be paid compensation from the general funds of the city in an amount equal to six hundred fifty dollars per month during his term as mayor. Each council member shall be paid compensation from the general funds of the city in an amount equal to four hundred fifty dollars per month during the respective term of each such council member. (Ordinance 2004-03 effective July 1, 2004)

Section 2-1-6 Oath of Office

Immediately prior to assumption of the duties of office, each council member shall, in public, take and subscribe to the oath of office.

Section 2-1-7 Bond

Prior to taking office, each council member shall execute and file an official bond, provided by the city, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the city or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in A.R.S. § 38-260. Bonds shall be in such sum as shall be provided by resolution, and the premium for such bonds shall be paid by the city.

Section 2-1-8 Financial Disclosure Statement

Each council member shall file a financial disclosure statement in a form and with such information as provided by resolution of the council and pursuant to state law.

Section 2-1-9 Limitation on Corporate Powers

The City shall not be bound by any promise, agreement, contract or any series of promises, agreements or contracts made or entered into by any person except: (1) those that are in compliance with city code Section 3-2-1 E(10) and Section 3-2-5 A and B, as may be amended from time to time, or any successor code provisions, and expressly approved by the city council as required by the city code; or (2) those that are otherwise executed, adopted, approved or ratified pursuant to the provisions of Article 3-4 of the code, purchasing, as may be amended from time to time, and any related federal or state

MAYOR AND COUNCIL

law or regulation, or city ordinance or resolution; or (3) those written agreements or contracts that are executed by the city manager or other city officer or department head, and approved as to form by the city attorney, pursuant to specific and express authorization by the city council, generally approving the substantive terms of the proposed agreement or contract, and setting forth the conditions under which the city manager, other city officer or department head may execute the agreement or contract. In all other circumstances, the city shall not be bound by nor be liable to any party for any promise, agreement, contract or any series of promises, agreements or contracts made or entered into by a city officer or employee, notwithstanding the actions or verbal or written representations of said city officer or employee to the contrary.

Rev 12/98

ARTICLE 2-2 MAYOR

- 2-2-1 Office of Mayor
- 2-2-2 Vice Mayor
- 2-2-3 Acting Mayor
- 2-2-4 Powers and Duties of the Mayor
- 2-2-5 Absence of Mayor
- 2-2-6 Failure to Sign Documents

Section 2-2-1 Office of Mayor

Beginning with the election to be held on March, 2006, the Mayor of the City of Sedona shall be directly elected by the qualified electors of the City. The term of office of the Mayor shall be for two years. **(Revised 03-09-04 by vote of public. See O02-11)**

Section 2-2-2 Vice Mayor

At the first meeting of the council following an election, the council shall designate one of its members as vice mayor, who shall serve at the pleasure of the council. The vice mayor shall have the powers to perform the duties of the mayor during his absence or disability, as stated in Section 2-2-4.

Section 2-2-3 Acting Mayor

In the absence or disability of both the mayor and vice mayor, the council shall designate another of its members to serve as acting mayor who shall have all the powers, duties and responsibilities of the mayor during such absence or disability.

Section 2-2-4 Powers and Duties of the Mayor

The powers and duties of the mayor shall include the following:

- A. He shall be the chief executive officer of the city.

MAYOR AND COUNCIL

- B. He shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.
- C. He shall enforce the provisions of this code.
- D. He shall execute and authenticate by his signature such instruments as the council or any statutes, ordinances or this code shall require.
- E. He shall make such recommendations and suggestions to the council as he may consider proper.
- F. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the city. After declaration of such emergency, the mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the city, including but not limited to:
 - 1. Imposition of a curfew in all or any portion of the city.
 - 2. Ordering the closing of any business.
 - 3. Closing to public access any public building, street or other public place.
 - 4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
- G. He shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the city.

Section 2-2-5 Absence of Mayor

The mayor shall not be absent from the city for a period of more than fifteen consecutive days without the consent of the council.

Section 2-2-6 Failure to Sign Documents

If the mayor is absent or refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, then the vice mayor or, in his absence, a duly appointed acting mayor is authorized to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which, when so signed, shall have the same force and effect as if signed by the mayor.

MAYOR AND COUNCIL

ARTICLE 2-3 ELECTION

- 2-3-1 Primary Election
- 2-3-2 Non-Political Ballot
- 2-3-3 General Election Nomination
- 2-3-4 Election to Office
- 2-3-5 Candidate Financial Disclosure

Section 2-3-1 Primary Election

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled then those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected.

Section 2-3-2 Non-Political Ballot

Nothing on the ballot in any election shall be indicative of the political party preference of the candidate.

Section 2-3-3 General Election Nomination

If at any primary election held as above provided there be any office or offices for which no candidate is elected, then as to such office or offices, said election shall be considered to be a primary election for nomination of candidates for such office or offices, and the second or general municipal election shall be held to vote for candidates to fill such office or offices. Candidates to be placed on the ballot at such second or general municipal election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election, provided that if there be any person who, under the provisions of this article, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefore, then all such persons receiving an equal number of votes shall likewise become candidates for such office.

Section 2-3-4 Election to Office

The candidates equal in number to the persons to be elected who receive the highest number of votes shall be declared elected.

MAYOR AND COUNCIL

Section 2-3-5 Candidate Financial Disclosure

Each candidate for the office of council member shall file a financial disclosure statement when such candidate files a nomination paper. The statement shall contain such information as required by resolution of the council pursuant to state law.

ARTICLE 2-4 COUNCIL PROCEDURES

- 2-4-1 Regular Meetings
- 2-4-2 Special Meetings
- 2-4-3 Meetings to be Public
- 2-4-4 Quorum
- 2-4-5 Agenda/Order of Business
- 2-4-6 Repealed
- 2-4-7 Committees and Commissions
- 2-4-8 Voting
- 2.4-9 Rules, Robert's Rules of Order Revised
- 2-4-10 Suspension of Rules

Section 2-4-1 Regular Meeting (Changed 12-13-05)

The council shall hold regular meetings on the second and fourth Tuesday of each month at 6:00 p.m. provided that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding day which is not a holiday. All regular meetings of the council shall be held in the council chambers at the city offices located at 102 Roadrunner Drive, Sedona, Arizona.

Section 2-4-2 Special Meetings

The mayor, or the clerk upon the written request of four members of the council, may convene the council at any time by notifying the members of the council of the date, hour and purpose of such special meeting. The public shall be given at least twenty-four hours notice of any such special meeting by the posting of such notice in at least three public places; except, that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

Section 2-4-3 Meetings to be Public

All proceedings of the council shall be open to the public, except that upon approval by a majority vote of the council, the council may meet in a closed executive session in the manner provided by state law.

MAYOR AND COUNCIL

Section 2-4-4 Quorum

A majority of the duly elected or appointed mayor and council shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent council members.

Section 2-4-5 Agenda/Order of Business

Establishment of city council agendas and conducting of business during city council meetings shall be done in accordance with state law and in the manner set forth in the Rules of Procedure for the Sedona City Council. **(O2003-09 – May 13, 2003)**

Section 2-4-6 Repealed (O2003-09 – May 13, 2003)

Section 2-4-7 Committees and Commissions

The council may create such boards, committees and commissions, standing or special, as it deems necessary. They shall consist of as many members and shall perform such duties as the council may require and shall exist at the pleasure of the council, or as specified by the enabling ordinance if any.

Section 2-4-8 Voting

- A. The mayor shall vote as a member of the council. (See Section 2-2-4 B.)
- B. Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes by name.

Section 2-4-9 Rules, Robert's Rules of Order Revised

Parliamentary procedures known as Robert's Rules of Order Revised, except as stated in subsection A of Section 2-4-8, shall pertain.

Section 2-4-10 Suspension of Rules

Any of the provisions of this article may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.

ARTICLE 2-5 ORDINANCES, RESOLUTIONS AND CONTRACTS

- 2-5-1 Prior Approval
- 2-5-2 Introduction
- 2-5-3 Same Day Passage Prohibited
- 2-5-4 Reading of Proposed Ordinance
- 2-5-5 Requirements for an Ordinance

MAYOR AND COUNCIL

| | |
|-------|------------------------------|
| 2-5-6 | Effective Date of Ordinances |
| 2-5-7 | Signatures Required |
| 2-5-8 | Publishing Required |
| 2-5-9 | Posting Required |

Rev. 4/98

Section 2-5-1 Prior Approval

All ordinances, resolutions and contract documents shall, before presentation to the council, have been reviewed as to form by the city attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Section 2-5-2 Introduction

Ordinances, resolutions, and other matters or subjects requiring action by the council shall be introduced and sponsored by a member of the council, except that the city attorney, the city manager or the city clerk may present ordinances, resolutions and other matters or subjects to the council, and any member of the council may announce and assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, it shall not be considered.

Section 2-5-3 Same Day Passage Prohibited

No ordinance except an emergency ordinance shall take effect on the same day on which it was passed. (**Amended** by Ordinance 98-06)

Section 2-5-4 Reading of Proposed Ordinance

All ordinances shall have at least one reading. This reading may be by title only if the council, in possession of printed copies of said ordinance, unanimously allows reading the title only.

Section 2-5-5 Requirements for an Ordinance

Each ordinance shall have one subject, which is clearly expressed in the title. Each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance. Rev. 04/98

Section 2-5-6 Effective Date of Ordinances

No ordinance, resolution or franchise shall become operative until thirty days after its passage by the council and adopted by the mayor, except measures necessary for the

MAYOR AND COUNCIL

immediate preservation of the peace, health or safety of the city, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is adopted by the affirmative vote of three-fourths of all council members, taken by ayes and nays.

Section 2-5-7 Signatures Required

Every ordinance passed by the council shall, before it becomes effective, be signed by the mayor and attested by the city clerk.

Section 2-5-8 Publishing Required

Only such orders, resolutions, motions, regulations or proceedings of the council shall be published in the public media as may be required by state statutes or expressly ordered by a motion adopted by the council.

Section 2-5-9 Posting Required

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the city clerk in three or more public places within the city and an affidavit of the person who posted the ordinance shall be executed and filed in the office of the city clerk as proof of posting.

Section 2-5-10 Continuing Code Revision (Ordinance 91/07 – 03/12/91)

The city clerk may provide for:

- A. The preparation and submission to the council of a report as to defects in the ordinances and resolutions of the city and the drafting in the form of ordinances and resolutions of proposed legislation to carry out the recommendations contained in the report.
- B. The preparation for submission to the council of a rewriting and revision, in simplified style, phraseology and order of any title, chapter, article or sections of city ordinances or resolutions.

Section 2-5-11 Limitations on Revisions (Ordinance 91-07 – 03-12-91)

The city clerk, in carrying out the provisions of Section 2-5-10, shall not alter the sense, meaning or effect of any act of the council, but may renumber sections and parts of sections; rearrange sections, articles, chapters and titles; change reference numbers to agree with renumbered sections, articles, chapters or titles; substitute the proper section, article, chapter or title for the terms "the preceding section", "this article", "this chapter" and like terms; strike out figures where they are merely a repetition of written words; change capitalization for the purpose of uniformity and correct manifest clerical or

MAYOR AND COUNCIL

typographical errors. The city clerk shall not undertake to make any change of existing ordinances or resolutions, it being the intention of this section that the city clerk shall in no manner assume to exercise legislative power.